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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Monday, May 06, 2019  
86th Legislature, Number 59  
The House convenes at 10 a.m.  
Part Two

The bills analyzed or digested in Part Two of today's *Daily Floor Report* are listed on the following page.

All HRO bill analyses are available online through TLIS, TLO, CapCentral, and the HRO website.



Dwayne Bohac  
Chairman  
86(R) - 59

## HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Monday, May 06, 2019

86th Legislature, Number 59

Part 2

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**SUBJECT:** Revising laws related to the use of unmanned aircraft

**COMMITTEE:** State Affairs — committee substitute recommended

**VOTE:** 12 ayes — Phelan, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Smithee, Springer

0 nays

1 absent — Hernandez

**WITNESSES:** For — (*Registered, but did not testify*: David Edmonson, TechNet; Lee Parsley, Texans for Lawsuit Reform)

Against — None

On — (*Registered, but did not testify*: Jordan Gross, DJI Technology)

**BACKGROUND:** Government Code, sec. 423.003 makes it a crime to use an unmanned aircraft to capture an image of an individual or privately owned property with the intent to conduct surveillance. Under sec. 423.002, the offense does not apply in certain circumstances.

Sec. 423.006 allows a private property owner to bring action to recover civil penalties or actual damages against a person in violation of sec. 423.003 that disclosed, displayed, or otherwise used the image.

Under sec. 423.0045, it is a crime to intentionally or knowingly operate an unmanned aircraft 400 feet or less above ground level over a correctional facility, detention facility, or critical infrastructure facility; allow an unmanned aircraft to make contact with such facilities; or allow an unmanned aircraft to disturb or interfere with operations.

Sec. 423.0046 makes it a crime to intentionally or knowingly operate an unmanned aircraft 400 feet or less above ground level over a sports venue.

**DIGEST:** CSHB 4448 would expand the lawful use of an unmanned aircraft under

Government Code sec. 423.003 to capture an image:

- as part of an operation, exercise, or mission of any branch of the Texas Military Forces;
- that was not publicly disclosed and was captured for the purpose of delivering consumer goods ordered through the internet or a mobile application, and the operation of the aircraft was conducted in compliance with federal regulations;
- under certain circumstances by a state agency or local health authority to assess unsafe environmental conditions in response to an inspection on commercial property or to a disaster;
- for disaster preparedness; or
- by or for a governmental entity for the provision of 911 service or a mapping project or service other than a law enforcement purpose.

The bill would repeal Government Code sec. 423.006, which allows a private property owner to bring action against a person who violated sec. 423.003.

CSHB 4448 would repeal the offense of operating an unmanned aircraft over a sports venue under Government Code sec. 423.0046 and revise the conduct constituting an offense under sec. 423.0045 to include operating an unmanned aircraft over a sports venue.

The bill would expand the definition of critical infrastructure facility to include an airport serving commercial air carriers or a military installation owned or operated by or for the federal government, the state, or another governmental entity.

To the extent of any conflict, the bill would prevail over another bill of the 86th legislative session.

The bill would take effect September 1, 2019, and generally would apply only to an offense committed on or after that date.

SUBJECT: Making certain high schools eligible for workforce training programs

COMMITTEE: International Relations and Economic Development — committee  
substitute recommended

VOTE: 7 ayes — Anchia, Blanco, Cain, Larson, Metcalf, Perez, Raney

0 nays

2 absent — Frullo, Romero

WITNESSES: For — Erin Valdez, Texas Public Policy Foundation; Joshua Sanders, TXRX Labs; *(Registered, but did not testify: Priscilla Camacho, Dallas Regional Chamber; Traci Berry, Goodwill Central Texas; Shannon Noble, Texas Air Conditioning Contractors Association; Sandy Hoy, Texas Apartment Association; Ned Muñoz, Texas Association of Builders; James Hines, Texas Association of Business; Lori Henning, Texas Association of Goodwills; Veronica Garcia, Texas Charter Schools Association; Jenna Courtney, Texas Partnership for Out of School Time; Ashley Harris, United Ways of Texas)*

Against — Mike Meroney, Texas Association of Manufacturers; *(Registered, but did not testify: Sarah Matz, Computing Technology Industry Association)*

On — Aaron Demerson, Texas Workforce Commission; *(Registered, but did not testify: Drew Scheberle, Greater Austin Chamber of Commerce)*

BACKGROUND: Labor Code ch. 303 creates the skills development fund, which may be used by public community and technical colleges, community-based organizations, and the Texas Engineering Extension Service as start-up or emergency funds for certain job-training purposes. The fund and related programs are overseen by the Texas Workforce Commission.

DIGEST: CSHB 1469 would allow certain public school districts and charter schools to participate in job training and incentive programs established by the Texas Workforce Commission (TWC) and supported by the skills

development fund.

TWC would be required to establish and develop by rule additional programs using the skills development fund under which a school district or open-enrollment charter school could provide customized workforce training opportunities designed specifically to meet identified regional emerging future industry and workforce training needs.

To qualify for these programs, a school district or charter school would have to include a high school that provided a career and technology education program in which at least 35 percent of the high school's students were enrolled. A school district or charter school would not be required to partner with one or more specific institutions of higher education in order to participate in a program established under the bill.

CSHB 1469 also would include school districts and charter schools among the entities that could use the skills development fund as start-up or emergency funds for certain job-training purposes.

TWC could establish job incentive programs that use the skills development fund to create incentives for school districts and open-enrollment charter schools to provide workforce training in an effort to create and retain employment opportunities in the state.

The Texas Higher Education Coordinating Board (THECB) would be required to biennially review all customized training programs using the skills development fund to verify that state funds were being used appropriately by school districts and open-enrollment charter schools. The Texas Education Agency would assist THECB as necessary in the board's review of a customized training program provided by a high school of a school district or open-enrollment charter school as described in the bill.

By October 1 of each even-numbered year, each school district and open-enrollment charter school that provided workforce training under the bill would conduct a review of the training programs to determine their effectiveness and identify strategies for improving the delivery of workforce training. School districts and charter schools would have to submit a detailed written report summarizing the results of the review to

TWC for inclusion in the commission's required report to the governor and Legislature.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

CSHB 1469 would promote workforce development while also improving high school outcomes by making qualifying public high schools and charter schools eligible for certain programs supported by the skills development fund.

Allowing high schools to participate in the fund would enhance career and technical education in rural and other communities struggling to meet the needs of the emerging workforce. Because participation in such education programs is associated with higher graduation rates, lower dropout rates, and higher scores on assessment tests, the bill also could result in improved academic outcomes for students participating in these programs. Expanding eligibility for programs supported by the skills development fund to high schools would enable schools to better prepare students with the skills needed to contribute to a competitive workforce upon graduation.

**OPPONENTS  
SAY:**

CSHB 1469 would inappropriately expand the use of the skills development fund. This fund should continue to be used only at the higher education level, where employers are more likely to find and train prospective employees to fill open jobs. Funding for career and technical education could be increased at public high schools and charter schools through other funding mechanisms, such as the weighted allotment for career and technology education.

SUBJECT: Developing a strategic plan to address adverse childhood experiences

COMMITTEE: Public Health — favorable, without amendment

VOTE: 8 ayes — S. Thompson, Frank, Guerra, Lucio, Ortega, Price, Sheffield, Zedler

0 nays

3 absent — Wray, Allison, Coleman

WITNESSES: For — Lisa Harst, Children's Advocacy Centers of Texas; Kristen Howell, Children's Advocacy Center for Denton County; Anu Partap, Cook Children's Health Care System; Jose Flores, Texas Criminal Justice Coalition; Jennifer Lucy, TexProtects; Kyle Piccola, The Arc of Texas; Maverick Crawford; Judith McGeary; (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs; Jason Sabo, Children at Risk; Jo DePrang, Children's Defense Fund-Texas; Christina Hoppe, Children's Hospital Association of Texas; Chris Masey, Coalition of Texans with Disabilities; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Alissa Sughrue, National Alliance on Mental Illness (NAMI) Texas; Will Francis, National Association of Social Workers-Texas Chapter; Kimberly Griffin, Nurse-Family Partnership National Service Office; Josette Saxton, Texans Care for Children; Jamie McCormick, Texas Alliance of Child and Family Services; Lance Lowry, Texas Association of Taxpayers; Bryan Mares, Texas CASA; Cheri Siegelin, Texas Correctional Employees-Huntsville; Lee Johnson, Texas Council of Community Centers; Krista Del Gallo, Texas Council on Family Violence; Jan Friese, Texas Counseling Association; Chris Frandsen, Texas League Of Women Voters; Troy Alexander, Texas Medical Association; Linda Litzinger, Texas Parent to Parent; Clayton Travis, Texas Pediatric Society; Kyle Ward, Texas PTA; Nataly Saucedo, United Ways of Texas; Knox Kimberly, Upbring; Susan Burek; Paul Carrola)

Against — (*Registered, but did not testify*: Lee Spiller, Citizens Commission on Human Rights; Ann Hettinger, Concerned Women for



America; Josh Cogan, Outlast Youth, Stonewall Democrats of Dallas; Cindy Asmussen; Joseph Longhurst; Ruth York)

On — Tanya Lavelle, Hogg Foundation for Mental Health; Kristen Schwall-Hoyt; (*Registered, but did not testify*: Manda Hall, Department of State Health Services; Sasha Rasco, Department of Family and Protective Services; Courtney Harvey, Health and Human Services Commission)

**DIGEST:**

HB 4183 would require the Texas Health and Human Services Commission (HHSC) to collaborate with certain state agencies and an institution of higher education with relevant expertise to analyze data and develop plans to reduce exposure of children to adverse childhood experiences and to address the social, health, and economic impacts of those experiences. The bill would define "adverse childhood experiences" to include:

- abuse, neglect, and family violence as defined by the Family Code;
- the death of a parent;
- parental separation or divorce;
- substance abuse disorder, mental illness, or incarceration of a member of a child's household.

HHSC would collaborate with state agencies specified in the bill to:

- analyze data related to the causes and effects of adverse childhood experiences, including data from the Behavioral Risk Factor Surveillance System established by the Centers for Disease Control and Prevention;
- evaluate prevention needs and gaps in services and support;
- identify best practices for prevention and treatment; and
- work with state and local agencies and other organizations specified in the bill, including public schools, child welfare services providers, faith-based organizations, law enforcement, and the business and philanthropic communities, among others, to develop a five-year strategic plan to prevent and address such experiences.

The five-year strategic plan would incorporate a public health approach that promoted collaboration between agencies and community-based providers. The plan could include strategies to:

- train and educate professionals to assess, intervene, and prevent adverse childhood experiences;
- provide trauma-informed practices for families, children, and providers impacted by adverse childhood experiences;
- provide high-quality childcare;
- provide support to parents to develop social and economic independence;
- provide support to strengthen the engagement of fathers in their children's lives and establish paternity;
- incorporate voluntary, evidence-based home visiting programs to strengthen families and connect families to community resources;
- develop support programs for teen parents and young mothers;
- develop parental education training and counseling programs;
- identify best practices for child protective services and investigations;
- prevent and treat mental illness and substance use disorder;
- prevent intimate partner and family violence; and
- prevent chronic diseases related to adverse childhood experiences.

HHSC and collaborating entities would be required to develop a community awareness approach to implement the strategic plan and make it available on their respective websites.

Any program, service, or support established under the provisions of the bill could not include sex education.

By March 1, 2020, HHSC would be required to develop a progress report that included data, best practices, and implementable changes within the commission's current capacity. By December 31, 2020, HHSC would be required to develop the five-year strategic plan and to submit a report to the relevant legislative committees on the commission's strategies for preventing and treating adverse childhood experiences and any plan to incorporate those strategies into existing services and support programs

for children and families.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

HB 4183 would address adverse childhood experiences through a public health framework and would create a blueprint for communities to engage and help children who have endured or are experiencing significant difficulties or trauma. Early intervention and prevention are vital to mitigate the social and economic costs of adverse childhood experiences on individuals and communities.

Adverse childhood experiences are extremely prevalent and have a significant impact on a child's behavioral and physical health. Each additional adverse experience results in lasting effects on adulthood disease, disability, and social functioning, the costs of which are absorbed through state and local resources. The bill would create a coordinated strategy that would enable agencies to reduce redundancies, increase efficiency, and identify effective strategies that could be implemented using existing resources.

Preventing and mitigating the impact of adverse childhood experiences has a strong return on investment, and the bill would implement evidence-based, effective solutions to empower parents through community support to ensure that families thrive. The bill would simply make available to struggling families programs that would promote healthy families and economic independence.

The bill is not intended to create a plan to diagnose children, but rather to protect children from growing up in environments that could compromise their short- and long-term health and success. When adversity cannot be prevented, strategies to increase resilience, strengthen families, and promote healing through safe relationships and environments could minimize the impacts of adverse experiences on children.

Stakeholder and community input would be an important part of the planning process. While many communities are implementing effective prevention strategies, capacity differs from community to community. The strategic plan would ensure that all communities have a toolkit to

accelerate existing resources, programs, and partnerships toward improved outcomes for children.

OPPONENTS  
SAY:

HB 4183 would address issues, such as mental health, that should be handled privately and not in a public school. Better and more economical resources exist in the community that could be used to address adverse childhood experiences. The state should not intervene in such matters.

OTHER  
OPPONENTS  
SAY:

While HB 4183 is well intended, the bill's vague definition of mental illness and the inclusion of faith-based organizations on the list of acceptable strategic partners could result in a singular perspective on sexual orientation or gender identity.

**SUBJECT:** Creating an offense for disclosing the location or layout of certain shelters

**COMMITTEE:** Criminal Jurisprudence — committee substitute recommended

**VOTE:** 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco

0 nays

**WITNESSES:** For — (*Registered, but did not testify*: Jason Sabo, Children at Risk; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Michael Barba, Texas Catholic Conference of Bishops; Idona Griffith)

Against — None

**BACKGROUND:** Under Government Code sec. 552.138, certain information maintained by a family violence shelter, victims of trafficking shelter, or sexual assault program, including information related to the location or physical layout of a family violence shelter or victims of trafficking shelter, is excepted from certain provisions requiring disclosure under state public information law. Sec. 552.352 makes it an offense for a person to distribute information considered confidential.

Concerns have been raised that there is no specific and adequate penalty or other deterrent for disclosing the location or physical layout of such shelters.

**DIGEST:** CSHB 3091 would make it a criminal offense for a person, with the intent to threaten the safety of any inhabitant of a family violence shelter center or victims of trafficking shelter center, disclosed or publicized the location or physical layout of the center. The offense would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

If a person's conduct constituted an offense under both this law and Government Code sec. 552.352, the person could be prosecuted under either section.

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The bill would take effect September 1, 2019.

SUBJECT: Removing grounds for disqualifying ex-convicts for licensing

COMMITTEE: Corrections — committee substitute recommended

VOTE: 9 ayes — White, Allen, Bailes, Bowers, Dean, Morales, Neave, Sherman, Stephenson  
0 nays

WITNESSES: For — Terra Tucker, Alliance for Safety and Justice; Nick Hudson, American Civil Liberties Union of Texas; David Johnson, Grassroots Leadership and Texas Advocates for Justice; Kaden Norton, Prison Fellowship Ministries; Douglas Smith, Texas Criminal Justice Coalition; Haley Holik, Texas Public Policy Foundation; Mia Greer; (*Registered, but did not testify*: Traci Berry, Goodwill Central Texas; Darwin Hamilton, Grassroots Leadership; Arif Panju, Institute for Justice; Laura Nodolf, Midland County District Attorney's Office; Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Will Francis, National Association of Social Workers-Texas Chapter; John McCord, NFIB; Carrie Simmons, Opportunity Solutions Project; Josiah Neeley, R Street Institute; Rene Lara, Texas AFL-CIO; Dwight Harris, Texas American Federation of Teachers; Mia Hutchens, Texas Association of Business; Lori Henning, Texas Association of Goodwills; Mike Meroney, Texas Association of Manufacturers; Lance Lowry, Texas Association of Taxpayers; Michael Barba, Texas Catholic Conference of Bishops; Mia McCord, Texas Conservative Coalition; Jennifer Erschabek, Texas Inmate Families Association; Alexis Tatum, Travis County Commissioners Court; Marc Levin)

Against — None

On — (*Registered, but did not testify*: Brad Bowman and Brian Francis, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code sec. 53.021 allows an occupational licensing authority to disqualify a person from receiving a license, or to suspend or revoke a license, on grounds that the person has been convicted of an offense that

directly relates to the duties and responsibilities of the licensed occupation, or for any offense committed within five years of the date the person applies for the license.

Concerns have been raised about the barriers to eligibility for an occupational license faced by Texans who have been convicted of an offense within five years of license application, regardless of whether the offense is related to the occupation.

**DIGEST:** CSHB 1342 would eliminate certain grounds for disqualification for an occupational license, authorize restricted occupational licenses, and authorize alternative means of verifying a person's eligibility for a license, with the intent of enhancing opportunities for persons to obtain employment after discharging a sentence for a criminal conviction.

**Unrelated convictions.** The bill would remove as grounds for disqualification for an occupational license a conviction within the past five years for an offense that did not directly relate to the duties and responsibilities of the licensed occupation.

**Licensing decision.** The bill would expand the list of factors a licensing authority had to consider in determining whether a criminal conviction directly related to the duties and responsibilities of a licensed occupation to include whether there was correlation between the elements of a crime and the duties and responsibilities of the occupation.

The bill also would expand the list of factors the authority would have to consider after determining that a conviction directly related to the occupation to include evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision.

The bill would repeal a provision requiring a license applicant who had been convicted of a crime to furnish proof of having maintained a steady record of employment, having supported the applicant's dependents, having maintained a record of good conduct, and having paid all outstanding court costs, supervision fees, fines, and restitution.

**Notice of pending denial.** The bill would prohibit a licensing authority



from denying a person a license or the opportunity to be examined for a license because of the person's prior conviction unless the licensing authority gave a written explanation of the intended denial and gave the person at least 30 days to respond with relevant information. The notice would have to state that the person was disqualified for receiving the license or being examined for the license because of the person's prior conviction as specified in the notice, or state that the final determination would be based on factors established by the bill and that it would be the person's responsibility to obtain and provide to the licensing authority evidence regarding those factors.

The bill would expand the written notice given to a person for whom a licensing authority had suspended, revoked, or denied a license or the opportunity to be examined for a license because of the person's prior conviction to include any statutory factors that served as the basis for the licensing authority's action.

**Restricted licenses for certain occupations.** The bill would authorize the Texas Commission of Licensing and Regulation (TCLR) or the executive director to issue a restricted license to an applicant for a license under the Air Conditioning and Refrigeration Contractor License Law or Texas Electrical Safety and Licensing Act as an alternative to denying, revoking, suspending, or refusing to issue or renew a license because of a criminal conviction.

The Texas Department of Licensing and Regulation (TDLR) could impose conditions on a holder of a restricted license, including limiting the scope or location of a licensee's practice, requiring the licensee to be supervised, and requiring the licensee to report to TDLR, including notification of any change in supervision. A supervising license holder would be required to use reasonable care to ensure that a restricted licensee complied with any conditions imposed. TCLR could impose an administrative penalty or other sanction on a restricted or supervising licensee for a violation of these provisions.

The bill would authorize TDLR to use a distinctive design for the restricted license and state on it any condition of the restricted license. The bill would provide for the term of a restricted license and would set out

provisions relating to its renewal and expiration.

**Training obtained while imprisoned.** The bill would allow a person to use education, training, or experience obtained in prison as sufficient evidence for determining eligibility for an occupational license. To qualify for this, a person would need to have previously held a license of the same type for which the person was applying. The person also must have maintained a record of good behavior while imprisoned and not have been convicted of a sexually violent offense or certain other offenses, among other criteria.

**Other provisions.** The bill would:

- require the state auditor to develop a guide of best practices for an applicant with a prior conviction to use when applying for a license and to publish the guide on the auditor's website; and
- allow a person whose license was revoked to apply for a new one before the first anniversary of the date of the revocation if the revocation was based solely on the person's failure to pay an administrative penalty and the person had paid the penalty in full or was paying it in good standing under a payment plan.

The bill would take effect September 1, 2019, and would apply to an application for a license submitted on or after the effective date.

SUBJECT: Establishing a grant for certifying teachers in computer science education

COMMITTEE: Public Education — committee substitute recommended

VOTE: 13 ayes — Huberty, Bernal, Allen, Allison, Ashby, Bell, Dutton, M.  
González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

WITNESSES: For — Sandra Geisbush, CS4Texas and UT STEM Center; Ryan Torbey;  
(*Registered, but did not testify*: Andrea Chevalier, Association of Texas  
Professional Educators; Chandra Villanueva, Center for Public Policy  
Priorities; Caroline Joiner, Code.org; Sarah Matz, CompTIA; Priscilla  
Camacho, Dallas Regional Chamber; Laurie Filipelli, League of Women  
Voters of Texas; Judea Goins-Andrews, Project Lead The Way; David  
Edmonson, TechNet; Molly Weiner, Texas Aspires Foundation; Mike  
Meroney, Texas Association of Manufacturers; Jennifer Bergland, Texas  
Computer Education Association; Suzi Kennon, Texas Parent Teachers  
Association; Lisa Dawn-Fisher, Texas State Teachers Association; Drew  
Scheberle, Greater Austin Chamber of Commerce; Idona Griffith;  
Vernagene Mott)

Against — None

On — (*Registered, but did not testify*: Hannah LaPorte, IDEA Public  
Schools; Pablo Barrera, Texas Charter Schools Association; Eric Marin,  
Blair Claussen, Chris Jones, Texas Education Agency; Heather Smith)

BACKGROUND: Concerned parties have suggested that there is a shortage of teachers  
qualified to teach computer science at primary schools.

DIGEST: CSHB 3069 would require the commissioner of education to establish a  
professional development grant program to encourage teachers to obtain  
computer science certification and continue professional development in  
coding, computational thinking, and computer science education.

The commissioner would use appropriated funds to provide grants to

institutions that offered: professional development for elementary, middle, and junior high school teachers to ensure teachers maintained a working knowledge of current computer industry standard tools and resources and offered training for computer science certification in compliance with requirements set by the State Board of Education.

Institutions of higher education, regional education service centers, school districts or partnerships of districts, and certain nonprofits approved by the commissioner would be eligible for grants. Providers would have to meet eligibility standards established by the commissioner.

An institution that received a grant would be required to:

- provide training or professional development and establish professional development hubs in each education service center region;
- serve high-need campuses;
- have established partnerships with institutions of higher education faculty with expertise in computing and computer science education; and
- develop partnerships with computer industry professionals.

The total value of grants awarded in a biennium could not exceed \$4 million.

The commissioner of education would be required to establish the grant program by December 31, 2019, and could adopt necessary rules to implement the bill.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of \$1.8 million to general revenue related funds through fiscal 2020-21.

SUBJECT: Codifying the Texas Statewide Behavioral Health Coordinating Council

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — S. Thompson, Wray, Allison, Coleman, Frank, Guerra, Ortega, Price, Sheffield, Zedler

0 nays

1 absent — Lucio

WITNESSES: For — (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs; Jacquie Benestante, Autism Society of Texas; Priscilla Camacho, Dallas Regional Chamber; Brenda Koegler, League of Women Voters of Texas; Christine Yanas, Methodist Healthcare Ministries of South Texas Inc.; Greg Hansch and Alissa Sughrue, National Alliance on Mental Illness Texas; Will Francis, National Association of Social Workers-Texas Chapter; Josette Saxton, Texans Care for Children; Lee Johnson, Texas Council of Community Centers; Sara Gonzalez, Texas Hospital Association; Michelle Romero, Texas Medical Association; Don McBeath, Texas Organization of Rural and Community Hospitals; Linda Litzinger, Texas Parent to Parent; Kevin Stewart, Texas Psychological Association; Merily Keller, Texas Suicide Prevention Council; Kaitlin Street, TexProtects; Nataly Saucedo, United Ways of Texas; Knox Kimberly, Upbring)

Against — (*Registered, but did not testify*: Gregory Young)

On — (*Registered, but did not testify*: Carissa Dougherty, Health and Human Services Commission)

BACKGROUND: HB 1 by Otto, the general appropriations act for fiscal 2016-17, in 2015 created the Texas Statewide Behavioral Health Coordinating Council, which is made up of state agencies that were appropriated funds for mental and behavioral health services. The main objectives of the council are to develop a statewide five-year strategic plan for mental and behavioral health and to create a statewide expenditure proposal. The

council was continued by the 85th Legislature through SB 1 by Nelson, the general appropriations act for fiscal 2018-19.

**DIGEST:**

HB 2813 would establish the Statewide Behavioral Health Coordinating Council to ensure a continuing strategic statewide approach to behavioral health services. The council would include at least one representative designated by each of the following entities:

- the Office of the Governor;
- the Texas Veterans Commission;
- the Health and Human Services Commission (HHSC);
- the Department of State Health Services;
- the Department of Family and Protective Services;
- the Texas Civil Commitment Office;
- the UT Health Science Center at Houston;
- the UT Health Science Center at Tyler;
- the Texas Tech University Health Sciences Center;
- the Texas Department of Criminal Justice;
- the Texas Correctional Office on Offenders with Medical or Mental Impairments;
- the Commission on Jail Standards;
- the Texas Indigent Defense Commission;
- the court of criminal appeals;
- the Texas Juvenile Justice Department;
- the Texas Military Department;
- the Texas Education Agency;
- the Texas Workforce Commission;
- the Health Professions Council, including representatives specified by the bill; and
- the Texas Department of Housing and Community Affairs.

The executive commissioner of HHSC would have to determine the number of representatives that each entity could designate to serve on the council. The council could authorize another state agency or institution that provided specific behavioral health services with the use of appropriated money to designate a representative to the council. Council members would serve at the pleasure of the designating entity.

The mental health statewide coordinator would serve as the presiding officer of the council.

The council would have to meet at least once quarterly or more frequently at the call of the presiding officer. The council would have to develop and monitor the implementation of a five-year statewide behavioral health strategic plan and would develop a biennial coordinated statewide behavioral health expenditure proposal. The council could create subcommittees to carry out its duties and could oversee the administration of state and federal funding, including grants, involving behavioral and mental health in Texas.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

HB 2813 would ensure the continued existence of the Texas Statewide Behavioral Health Council by codifying it in statute. By removing the need to continue the council through the general appropriations act, this bill would ensure that the council continued to provide a coordinated and strategic approach to mental and behavioral health services and the treatment of substance use disorders where funds have been appropriated.

The bill would not create bureaucratic redundancy because it would simply codify an already existing council. The council helps state agencies coordinate and reduces duplication of services, thereby saving taxpayer money and improving the quality of services provided.

**OPPONENTS  
SAY:**

HB 2813 could create bureaucratic redundancy by continuing the Texas Statewide Behavioral Health Council in statute. Relevant state agencies already coordinate mental and behavioral health strategies and do not need another layer of administrative oversight.

SUBJECT: Changing requirements for in-state tuition for certain military spouses

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 7 ayes — C. Turner, Stucky, Button, Howard, E. Johnson, Schaefer, Walle

0 nays

4 absent — Frullo, Pacheco, Smithee, Wilson

WITNESSES: For — Jim Brennan, Texas Coalition of Veterans Organizations;  
(*Registered, but did not testify*: Leticia Van de Putte, City of Del Rio;  
James Dickey, Republican Party of Texas)

Against — None

BACKGROUND: Education Code sec. 54.241(g) requires an institution of higher education in the state to permit the spouse or child of a member of the U.S. armed forces stationed outside of Texas to pay in-state tuition, fees, and other related charges without regard to length of time the spouse or child has resided in Texas if the spouse or child establishes residence by:

- residing in Texas; and
- filing a letter of intent to establish residence in Texas with the institution of higher education at which the spouse or child plans to register.

DIGEST: HB 739 would require a public institution of higher education in the state to, in addition to permissions already laid out in statute, permit a spouse of a member of the U.S. armed forces who is stationed outside Texas to pay in-state tuition and fees if the spouse:

- graduated from a public or private high school in Texas or received the equivalent of a high school diploma in Texas; and
- maintained a home in Texas continuously for at least one year before the member was assigned to duty outside of Texas.



The bill would apply beginning with tuition and fees charged for the 2019 fall semester.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUBJECT:** Prohibiting the sale of certain alcoholic beverages below retail cost

**COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended

**VOTE:** 7 ayes — T. King, Geren, Guillen, Hernandez, Kuempel, Paddie, S. Thompson  
  
1 nay — Harless  
  
3 absent — Goldman, Herrero, K. King

**WITNESSES:** For — Tyler Rudd, Wine Institute; (*Registered, but did not testify:* Dya Campos, H-E-B; Annie Spilman, NFIB; David Jabour and Lance Lively, Texas Package Stores Association)  
  
Against — (*Registered, but did not testify:* Drew Campbell, Total Wine and More)

**BACKGROUND:** 16 TAC sec. 45.101(b) prohibits sellers of alcoholic beverages from issuing any rebate or coupon redeemable by the public for the purchase or a discount on the purchase of alcoholic beverages.

**DIGEST:** CSHB 2165 would prohibit a person who held a permit or license authorizing the retail sale of any alcoholic beverage for off-premise consumption from selling such a beverage at a cost less than the retailer's cost. The bill would define "retailer's cost" to include applicable freight, taxes, and duties.  
  
The bill would require proof of the retailer's cost for alcoholic beverages to become a part of the permanent records of each person who holds a permit or license for the sale of any alcoholic beverage for off-premise consumption. The proof would have to be available for a period of two years for inspection by the Texas Alcoholic Beverage Commission (TABC).  
  
TABC would adopt rules to implement the provisions of the bill.

The bill would not apply to the sale of certain products if the manufacturer of the product had discontinued the production, importation, special packaging, or market availability of the product.

The bill would take effect on September 1, 2019.

**SUPPORTERS  
SAY:**

CSHB 2165 would eliminate a pricing strategy in the retail alcohol sector that promotes uncompetitive business practices and encourages unhealthy alcohol consumption habits.

Currently, some retailers employ a "loss leader" strategy in which they sell a product for a sharply reduced price, hoping to attract customers who may then purchase additional products or, if the loss leader is sold out, replacement products. However, the loss leader's low price could encourage excessive alcohol consumption, and the legislatures of 33 states have prohibited selling alcohol below retail cost on these grounds.

CSHB 2165 also would increase competition in the retail alcohol sector. The loss leader strategy creates a consumer expectation of lower prices for some products, which could harm other retailers who may have to meet that price. Larger chains are able to use loss leader strategies much more effectively than small businesses, so reducing this practice would actually encourage market competition.

Similarly, wineries, distilleries, and breweries whose products are used as a loss leader can see their brands devalued across the entire market. In prohibiting the sale of alcohol below the retailer's cost, the bill would prevent this from happening and create a more level playing field.

**OPPONENTS  
SAY:**

CSHB 2165 inappropriately would expand the government's control over personal property and the free market. Once a retailer has purchased an item from a wholesaler, it is the retailer's property, and the retailer should be able to sell it at any price. Forcing a retailer to sell an item at a price higher than the retailer would wish distorts the market price of the good and limits the retailer's economic freedom.

**SUBJECT:** Requiring the publication of voter information during early voting

**COMMITTEE:** Elections — favorable, without amendment

**VOTE:** 8 ayes — Klick, Cortez, Bucy, Burrows, Cain, Israel, Middleton, Swanson  
0 nays  
1 absent — Fierro

**WITNESSES:** For — Alan Vera, Harris County Republican Party Ballot Security Committee; Glen Maxey, Texas Democratic Party; Ed Johnson; Derek Ryan; (*Registered, but did not testify:* Heather Hawthorne, Joyce Hudman, and Jennifer Lindenzweig, County and District Clerks Association of Texas; Daniel Greer, Direct Action Texas; Cinde Weatherby, League of Women Voters of Texas; Lon Burnam, Public Citizen; Aryn James, Travis County Commissioners Court; Russell Hayter; Paul Hodson; Brandon Moore)  
  
Against — None  
  
On — Chris Davis, Texas Association of Elections Administrators; Keith Ingram, Texas Secretary of State-Elections Division

**BACKGROUND:** Election Code sec. 85.072 requires an election officer in charge of an early voting branch to prepare a daily register listing the voters who cast ballots at the branch for each day early voting is conducted at that polling place. This register is delivered daily at the close of each day's voting to the early voting clerk of the authority, and the clerk preserves each daily register for the precinct's elections records.  
  
Some have called for a uniform process to verify that an early vote was successfully recorded and for standardization of the process by which voters can request certain daily voting information.

**DIGEST:** HB 1850 would require the early voting clerk of an authority to provide a current copy of the daily branch register for publication on the website of

the authority ordering the election, if the authority maintained a website, each day that early voting was conducted. At a minimum, the voter registration number of each voter listed in the register would have to be posted.

The bill would take effect September 1, 2019.

SUBJECT: Coordinating a plan for student transitioning from alternative program

COMMITTEE: Public Education — committee substitute recommended

VOTE: 12 ayes — Huberty, Bernal, Allison, Ashby, K. Bell, Dutton, M.  
González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

1 absent — Allen

WITNESSES: For — Sarah Beebe, Disability Rights Texas; Latashia Crenshaw, Harris County Juvenile Probation Department; Annalee Gulley, MHA Of Greater Houston; (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs; Andrea Chevalier, Association of Texas Professional Educators; Jason Sabo, Children at Risk; Chris Masey, Coalition of Texans with Disabilities; Ender Reed, Harris County Commissioners Court; Ashlea Turner, Houston ISD; Lindsay Lanagan, Legacy Community Health; Greg Hansch, National Alliance on Mental Illness Texas; Will Francis, National Association of Social Workers-Texas Chapter; Josette Saxton, Texans Care for Children; Christine Broughal, Texans for SPED Reform; Amanda List, Texas Appleseed; Lonnie Hollingsworth, Texas Classroom Teachers Association; Leela Rice, Texas Council of Community Centers; Jan Friese, Texas Counseling Association; Morgan Craven, Texas Latino Education Coalition; Kyle Ward, Texas PTA; Lisa Dawn-Fisher, Texas State Teachers Association; Nataly Saucedo, United Ways of Texas; Audrey Spanko)

Against — None

On — (*Registered, but did not testify*: Terri Hanson and Monica Martinez, Texas Education Agency)

DIGEST: CSHB 2184 would require an alternative education program to provide written notice regarding the student's release from the program and would require the school administrator of the student's home campus to coordinate the student's transition, including the creation of a personalized

transition plan for the student.

**Definitions.** The bill would define "alternative education program" as:

- a disciplinary alternative education program operated by a school district or open-enrollment charter school;
- a juvenile justice alternative education program; or
- a residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity.

**Alternative education program duties.** The bill would require an alternative education program, as soon as practicable after having determined the date of a student's release from the program, to provide a written notice of that date to the student's parent or a guardian and to the administrator of the campus to which the student intended to transition.

The alternative education program would provide to the administrator an assessment of the student's academic growth while attending the alternative education program and the results of any assessment instruments administered to the student.

**School administrator duties.** The bill would require the campus administrator to coordinate the student's transition to a regular classroom within five instructional days of the student's release date, including the implementation of a personalized transition plan.

The coordination would include assistance and recommendations from school counselors, school district peace officers, school resource officers, licensed clinical social workers, campus behavior coordinators, classroom teachers who were or could be responsible for implementing the student's personalized transition plan, and any other appropriate school district personnel.

The personalized transition plan would be required to include recommendations for the best educational placement of the student, which could include:

- recommendations for counseling, behavioral management, or academic assistance, with a concentration on the student's academic or career goals;
- recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity;
- the provision of information to the student's parent or a guardian about the process to request a full individual and initial evaluation of the student for purposes of special education services; and
- a regular review of the student's progress toward the student's academic or career goals.

The bill would apply only to a student who was subject to compulsory school attendance requirements, and would apply beginning with the 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.



SUBJECT: Changing license terms and setting licensing fees for childcare facilities

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Frank, Hinojosa, Clardy, Deshotel, Klick, Meza, Noble

0 nays

2 absent — Miller, Rose

WITNESSES: For — Lonnie Hutson, Kids R Kids Childcare; (*Registered, but did not testify*: Jerry Hulburt, Kids R Kids Spring; Tiffany Cantrell, Invicus Partners; Michael Engle, Pallavi Karnani, and Bill Pewitt, Kids R Kids Child Care; Joan Altobelli, Texas Licensed Child Care Association; and 14 individuals)

Against — None

BACKGROUND: Human Resources Code sec. 42.054(h) authorizes the Health and Human Services Commission to charge operators of and applicants to operate childcare facilities, child-placing agencies, and continuum-of-care residential operations certain fees set by the executive commissioner.

Some have suggested that the Legislature should be responsible for setting these fee amounts.

DIGEST: CSHB 2177 would repeal statutory provisions requiring the executive commissioner of the Health and Human Services Commission (HHSC) to set fees for operators of and applicants to operate childcare facilities, child-placing agencies, and continuum-of-care residential operations.

The bill would set fees charged by HHSC as follows:

- \$35, nonrefundable, for an application for an initial license to operate a childcare facility, child-placing agency, or continuum-of-care residential operation;
- \$35 for an initial license to operate a childcare facility;

- \$50 for an initial license for a child-placing agency or continuum-of-care residential operation;
- an annual license fee of \$35 plus \$1 multiplied by the maximum number of children for whom a childcare facility was authorized to provide care;
- an annual license fee of \$100 for operating a child-placing agency or continuum-of-care residential operation;
- an annual fee of \$20 for a listed family home or \$35 for a registered family home to cover a part of HHSC's cost in regulating family homes.

The bill also would repeal certain provisions governing the license renewal process.

The bill would take effect September 1, 2019, and would apply only to an application, license, or registration and listing fee due on or after the effective date of the bill.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about \$727,000 to general revenue related funds through fiscal 2020-21.

**SUBJECT:** Prohibiting certain pricing by freestanding emergency rooms

**COMMITTEE:** Business and Industry — committee substitute recommended

**VOTE:** 8 ayes — Martinez Fischer, Darby, Collier, Landgraf, Moody, Parker, Patterson, Shine

0 nays

1 absent — Beckley

**WITNESSES:** For — Blake Hutson, AARP Texas; Paul Hain, Blue Cross Blue Shield of Texas; Jason Baxter, Texas Association of Health Plans; (*Registered, but did not testify*: Billy Phenix, America's Health Insurance Plans; Stacey Pogue, Center for Public Policy Priorities; Robin Vincent and Donna Warndorf, Harris County Human Resources Risk Management; Bill Kelly, City of Houston Mayor's Office; John Esparza, Texas Trucking Association; Sandy Dunn)

Against — None

On — Carrie De Moor, Code 3 Emergency Partners; Brad Barton, Golden Triangle Emergency Center; Casey Fisher, Legacy ER & Urgent Care; Esther Chavez, Office of the Attorney General; Rhonda Sandel, Texas Association of Freestanding Emergency Centers; (*Registered, but did not testify*: Lisa Wyman, Department of State Health Services)

**BACKGROUND:** Business and Commerce Code sec. 17.46 declares false, misleading, or deceptive acts or practices in the conduct of any trade or commerce unlawful. Sec. 17.47 authorizes the Office of the Attorney General's Consumer Protection Division to bring an action in the name of the state against a person engaging in an unlawful trade practice.

**DIGEST:** Under CSHB 1941, the term "false, misleading, or deceptive acts or practices" would include a freestanding emergency care facility that provided emergency care at an unconscionable price or demanded or charged an unconscionable price for emergency or other care.

The Office of the Attorney General's Consumer Protection Division could not bring an action for unconscionable pricing if the price alleged to be unconscionable was less than 200 percent of the average charge for the same or substantially similar care provided by hospital emergency rooms in the same or nearest county to the county in which the freestanding emergency medical care facility was located, according to data collected by the Department of State Health Services (DSHS).

If charge data was not available from DSHS, the attorney general could adopt rules designating another source of hospital charge data for use in establishing the average charge for emergency care or other care provided by hospital emergency rooms in order to determine whether a price was unconscionable.

In an action brought to enforce the provisions of the bill, the Consumer Protection Division could request and the trier of fact could award the recovery of reasonable attorney's fees, court costs, and reasonable expenses incurred by the division in obtaining a remedy.

The bill would not create any private cause of action for a false, misleading, or deceptive act.

The bill would take effect September 1, 2019.

SUBJECT: Specifying safety requirements for a person operating an amusement ride

COMMITTEE: Insurance — favorable, without amendment

VOTE: 8 ayes — Lucio, Oliverson, S. Davis, Julie Johnson, Lambert, Paul, C.  
Turner, Vo

0 nays

1 absent — G. Bonnen

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Lauren Judge, Texas Department of Insurance)

BACKGROUND: Penal Code sec. 49.065 makes it an offense to operate or assemble an amusement ride while intoxicated.

Concerns have been raised over the inadequacy of current law in establishing standards for amusement ride operators and the safe operations of park rides for passengers.

DIGEST: HB 897 would establish requirements and restrictions for an amusement ride attendant, defined in the bill as a person operating an amusement ride

To directly operate a ride, an attendant would be required to be at least 16 years of age and trained in operating the ride. The attendant would be prohibited from operating multiple rides simultaneously and from operating a ride if such operation would constitute an offense under Penal Code sec. 49.065.

The bill would take effect September 1, 2019.

SUBJECT: Allowing TJJD to open a charter school in Jefferson County

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 8 ayes — Dutton, Murr, Calanni, Cyrier, Dean, Lopez, Shine, Talarico  
0 nays  
1 absent — Bowers

WITNESSES: For — None  
Against — None  
On — Zenobia Joseph; (*Registered, but did not testify*: Elizabeth Kromrei, Department of Family and Protective Services)

DIGEST: HB 1930 would allow the Texas Juvenile Justice Board to establish a charter school to educate children who had been found to have engaged in delinquent conduct or conduct indicating a need for supervision.

The charter school could be established only in a county with a population of between 250,000 and 270,000 that was located less than 100 miles from a Texas Juvenile Justice Department (TJJD) district office (Jefferson County).

The charter school's goals would include:

- enabling students to achieve high academic standards in secondary education, participate in the workforce, join the military, and enroll in postsecondary education;
- maintaining safe communities;
- reducing future adverse involvement in the criminal justice system; and
- contributing to the prosperity and welfare of Texas.

**Duties and operations.** The charter school would be governed and

operated by the Texas Juvenile Justice Board. TJJD could coordinate or partner with the juvenile probation department of the county in which the school was located or with any other public or private entity to establish the charter school or to provide the school's programs or services.

The bill would require the charter school to:

- develop an academic achievement plan for each student that was designed to produce high academic achievement and prepare students for postsecondary education or military careers;
- develop and implement a comprehensive, evidence-based, and individualized therapeutic counseling plan for each student to facilitate academic achievement, mitigate delinquent behavior, and encourage the involvement of students' parents or guardians; and
- provide vocational training programs to enable students to obtain workforce credentials, including certification or licensure.

The school also would be subject to the state's required curriculum, high school graduation requirements, and academic and financial accountability standards. Unless otherwise specifically provided, statutory provisions applying to a charter school or the governing body of a charter school would not apply to the school established under the bill.

**Staff.** The charter school would have to develop or adopt a method to attract and hire certified and highly qualified teachers and verify the criminal history and disciplinary record of applicants and employees, including disciplinary actions related to inappropriate conduct or relationships with students or minors.

The school would be required to employ:

- a principal who had a well-developed background in academic leadership and demonstrated experience in dealing with children in the juvenile justice system;
- a sufficient number of teachers to maintain a maximum of 15 students in each class in the foundation curriculum;
- a sufficient number of social workers to maintain a ratio of not less

- than one social worker for every three students; and
- a highly qualified dietician to prepare healthy meal plans for students.

Employees of the charter school would be classified as state employees for the purposes of paying vacation and sick leave to employees who separated from state employment or to the estates of deceased employees. The executive head of the school would determine whether an educational professional employee was a full-time employee for the purposes of the Texas Employees Group Benefits Act.

**Facilities.** The bill would require the charter school to be located in a facility selected by TJJD, in consultation with a qualified architect, that was designed to facilitate academic and behavioral development.

**Funding.** The charter school would be entitled to receive state funding in the same manner as open-enrollment charter schools. Additionally, the charter school could receive appropriated money from TJJD for educational programs, grants from public or private organizations, and federal funds to be used in compliance with applicable federal laws.

**Sunset review.** The charter school established by the bill would be subject to review by the Texas Sunset Advisory Commission and would be reviewed during the period in which TJJD was reviewed.

The bill would take effect September 1, 2019.

**NOTES:**

According to the Legislative Budget Board, the bill would have a negative impact of about \$3.8 million to general revenue related funds through fiscal 2020-21.



SUBJECT: Requiring a study of shared motor-assisted scooters

COMMITTEE: Transportation — committee substitute recommended

VOTE: 12 ayes — Canales, Landgraf, Bernal, Y. Davis, Goldman, Hefner, Krause, Leman, Martinez, Raney, Thierry, E. Thompson

0 nays

1 absent — Ortega

WITNESSES: For — (*Registered, but did not testify*: Billy Phenix, AAA Texas; Jason Sabo, OjO Scooter; Robyn Ross)

Against — None

On — Greg Griffin, Texas A&M Transportation Institute

DIGEST: CSHB 2715 would require the Texas Department of Transportation, in consultation with the Texas A&M Transportation Institute or other institutions of higher education, local governments, or industry representatives, to conduct a study on the use of shared motor-assisted scooters.

The study would examine:

- the legal definition and existing local regulation of shared motor-assisted scooters;
- liability issues related to shared motor-assisted scooter use and accidents;
- the operation of shared motor-assisted scooters, including safety standards, interaction with pedestrians, shared infrastructure, and operator qualifications;
- the economic impact of shared motor-assisted scooters, including any benefits and burdens for local governments;
- the accessibility of motor-assisted scooters;
- shared motor-assisted scooters' impact on public transportation;

- the social norms of shared motor-assisted scooter use, including shared motor-assisted scooter etiquette; and
- how shared motor-assisted scooter scooters have been and could be integrated into the overall transportation system.

The Texas Department of Transportation would be required to submit the findings of this study to the Legislature by December 1, 2020. The bill's provisions would expire January 1, 2021.

The bill would take effect September 1, 2019.

**SUBJECT:** Clarifying codes on the disposition and removal of a decedent's remains

**COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment

**VOTE:** 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White  
0 nays

**WITNESSES:** For — Craig Hopper, State Bar of Texas Real Estate Probate and Trust Law Section; (*Registered, but did not testify*: Lauren Hunt, Glenn Karisch, William Pargaman, and Melissa Willms, State Bar of Texas Real Estate Probate and Trust Law Section; Guy Herman, Travis County Probate Court)  
  
Against — None

**BACKGROUND:** Health and Safety Code ch. 711 contains general provisions relating to cemeteries. Sec. 711.002 governs the disposition of a decedent's remains and lists in priority order the persons who have a right to control the disposition of the remains if the decedent did not leave written directions.

Sec. 711.002(b) contains a form that a person can use to leave directions for the disposition of the person's remains upon the person's death. This form allows for a person to name an agent to control the remains and makes provisions for the transfer of that role in the event of a divorce.

Sec. 711.002(k) provides that any dispute among persons listed as having a right to control the disposition of a decedent's remains concerning that right be resolved by a court of competent jurisdiction.

Sec. 711.004 governs the removal of remains interred in a cemetery. Remains may be removed with the written consent of the cemetery organization operating the cemetery and with the written consent of certain persons, as specified in statute. If consent cannot be obtained, the remains may be removed by permission of a district court of the county in which the cemetery is located.

Interested parties have called for the laws surrounding the disposition and removal of remains to be clarified and updated.

**DIGEST:** HB 2248 would make certain changes to statute concerning the disposition and removal of a decedent's remains.

The bill would amend the form included in Health and Safety Code sec. 711.002(b) to provide that if the marriage of the person who completed the form to the person's agent or successor agent was dissolved by divorce, annulled, or declared void before the person's death, that agent or successor would no longer be the person's agent unless otherwise specified.

The bill would specify that any dispute among persons listed as having the right to control the disposition of a decedent's remains concerning their right to such control would be resolved by a court with jurisdiction over probate proceedings for the decedent, regardless of whether a probate proceeding had been initiated.

HB 2248 also would authorize a county court, rather than a district court, to give permission for a decedent's remains to be removed from a cemetery if the consent required by statute could not be obtained.

The changes in law made by the bill would apply to certain instruments for the disposition of a decedent created before, on, or after the bill's effective date. The bill would apply to judicial proceedings commenced on or after the bill's effective date or that were pending on the effective date, and to an application to a court to remove remains from a cemetery that was submitted on or after the bill's effective date.

If a court found that a provision of the bill would substantially interfere with conducting a judicial proceeding concerning an instrument for the disposition of a decedent that was pending on the effective date of the bill or would prejudice the rights of a party to the proceeding, the provision of the bill would not apply.

The bill would apply only to the validity of a document executed on or

after the effective date of the bill.

The bill would take effect September 1, 2019.